

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION

DARYLE PHINNESSEE,

Petitioner,

v.

No. 11-1385

UNITED STATES OF AMERICA,

Defendant.

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ORDER ADOPTING REPORT AND RECOMMENDATION AND  
GRANTING JOINT MOTION TO VACATE SENTENCE

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Before the Court is the April 25, 2014 joint motion of the parties in this matter to vacate the sentence imposed upon the Petitioner, Daryle Phinnessee, due to ineffective assistance of counsel and to set a resentencing hearing. (D.E. 39.) After a hearing conducted this same date, United States Magistrate Judge Edward G. Bryant recommended that the motion be accepted by the undersigned and that Phinnessee be resentenced. (D.E. 41.) In light of the agreement of the parties to the relief sought, the report and recommendation of the magistrate judge is hereby ADOPTED and the motion is GRANTED.

IT IS SO ORDERED this 25th day of April 2014.

s/ J. DANIEL BREEN  
CHIEF UNITED STATES DISTRICT JUDGE